

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**FILED**  
**MAY 10 2011**  
**CLERK'S OFFICE**  
**DETROIT**

**STANLEY R. STASKO**

**27653 Lexington Pkwy Southfield, Michigan 48076**

**#313-670-6917**

**Plaintiff – U.S. District Court – E.D. of Mich.; Case # 2:09-CV-14827-JAC**

**Creditor – U.S. Bankruptcy Court – S.D. of N.Y.; Case # 09-50026 (REG)**

**Appellant – U.S. District Court – S.D. of N.Y.; Case # 1:10-CV-04322-JGK**

**Pro Se Litigant**

**V**

**Case No. 2:09-CV-14827-JAC-VMM**

**Honorable Cook, Julian Abele**

**GENERAL MOTORS CORPORATION**

**GENERAL MOTORS – GLOBAL HEADQUARTERS**

**300 RENAISSANCE CENTER**

**P.O. BOX 300**

**DETROIT, MICHIGAN 48265**

**#313-556-5000**

**Defendant – U.S. District Court – E.D. of Mich.; Case # 2:09-CV-14827-JAC**

**Debtor – U.S. Bankruptcy Court – S.D. of N.Y.; Case # 09-50026 (REG)**

**Appellee – U.S. District Court – S.D. of N.Y.; Case # 1:10-CV-04322-JGK**

**MOTION TO REOPEN STASKO V GENERAL MOTORS CORPORATION and  
REQUEST FOR HEARING REGARDING U. S. BANKRUPTCY COURT – S. D.  
OF NEW YORK ORDER DATED MAY 3, 2011**

Stanley R. Stasko (Plaintiff) respectfully states:

- 1) that on April 8, 2010, Stanley R. Stasko Motion for Relief from the Automatic Stay was heard by the Honorable Robert E. Gerber of the United States Bankruptcy Court of the Southern District of New York
- 2) that the Bankruptcy Court Denied the Motion for Relief from the Automatic Stay by Stanley R. Stasko (See Exhibit 1)
- 3) also the Bankruptcy Court ordered “Mr. Stasko shall give notice of this ruling to the Michigan Court” (See Exhibit 1)
- 4) also the Bankruptcy Court ordered “Mr. Stasko shall withdraw the Michigan Case” (See Exhibit 1)
- 5) further that on April 12, 2010, Stanley R. Stasko appeared before Honorable Julian Abele Cook Jr. of the United States District Court of the Eastern District of Michigan for “a hearing regarding, inter alia, (1) the effect, if any, of a “stay of litigation” order that had been imposed upon the parties in a lawsuit (including the Defendant, General Motors Corporation, now known as Motors Liquidation Company), by the Bankruptcy Court for the Southern District , of New York”
- 6) Stanley R. Stasko informed the U. S. District Court – E. D. of Michigan that the Bankruptcy Court Denied the Motion for Relief from the Automatic Stay
- 7) also Stanley R. Stasko informed the U. S. District Court – E. D. of Michigan that the Bankruptcy Court ordered Mr. Stasko to withdraw his case against General Motors Corporation

8) nevertheless, the U. S. District Court – E. D. of Michigan **did not** order Stanley R. Stasko to withdraw civil action Stasko vs. General Motors Corporation United States District Court – Eastern District of Michigan; Case # 2:09-CV-14827; instead, the court “administratively close this case during the duration of the bankruptcy proceedings involving the Defendant in the Southern District of New York” (See Exhibit 3)

9) the U. S. District Court – E. D. of Michigan further ordered “upon the termination of these bankruptcy proceedings in New York, either party may file a motion, which would seek to reopen this case, within a period of sixty (60) days from the date of final resolution of the above-listed bankruptcy case.” (See Exhibit 3)

#### **APPEAL OF BANKRUPTCY COURT ORDER STATUS**

10) since one of the reasons why the Bankruptcy Court Denied Stanley R. Stasko Relief from the Automatic Stay because Stanley R. Stasko did not file a Proof of Claim; therefore, Stanley R. Stasko filed a Proof of Claim with the Bankruptcy Court via U.S. Mail on April 28, 2010. (See Exhibit 4)

11) also Stanley R. Stasko filed an appeal of Bankruptcy Court Order denying Relief from the Automatic Stay with the U. S. District Court – Southern District of New York and the Appeal was assigned Case # 1:10-CV-04322-JGK

12) also Stanley R. Stasko Appellant’s Brief was Entered into the U. S. District Court – S. D. of New York on December 09, 2010 (See PACER; U. S. District Court – S.D. of New York; Docket #9)

13) also General Motors Appellee’s Brief was Entered into the U. S. District Court – S. D. of New York on December 20, 2010 (See PACER; U. S. District Court – S.D. of New York; Docket #11)

- 14) further Stanley R. Stasko Reply to Appellee's Brief was mailed to the U. S. District Court – S. D. of New York on December 09, 2010 (The legal document for some unknown reason was not entered in U. S. District Court – S.D. of New York Docket )
- 15) a copy of Stanley R. Stasko Reply to Appellee's Brief was mailed to the U. S. District Court – S. D. of New York on April 30, 2011 (Not entered in U. S. District Court – S. D. of New York Docket as of May 8, 2011)

**GENERAL MOTORS CORPORATION OBJECTS TO PROOF OF CLAIM**

- 16) at this point both parties were waiting for the U. S. District Court – S. D. of New York to set a date for Oral Arguments
- 17) despite knowing an appeal was in process in the U. S. District Court – S. D. of New York, General Motors Corporation filed a Motion in U. S. Bankruptcy Court – S.D. of New York objecting to Stanley R. Stasko Proof of Claim #70285
- 18) then General Motors Corporation withdrew its objection to Stanley R. Stasko Proof of Claim #70285 associated with 165<sup>th</sup> omnibus objection to expunge certain claims; therefore, the Bankruptcy Court Ordered General Motors Corporation objection to Stanley R. Stasko Proof of Claim #70285 **Withdrawn** on March 7, 2011 (See Exhibit #5)
- 19) then General Motors Corporation filed another Motion in U. S. Bankruptcy Court – S.D. of New York regarding Objection to Proof of Claim No. 70285 filed by Stanley R. Stasko and the Bankruptcy Court Granted this Objection to Proof of Claim No. 70285 and Ordered Stanley R. Stasko Proof of Claim #70285 expunged on May 3, 2011 (See Exhibit 7)

**BANKRUPTCY COURT ADDITIONAL ORDER**

- 20) at this point both the Relief from the Automatic Stay and the Proof of Claim #70285 could have been handled in the Appeals Process in the U. S. District Court – S. D. of New York
- 21) unknown to Stanley R. Stasko, General Motors Corporation would make an additional request from the Bankruptcy Court at the hearing on April 26, 2011
- 22) General Motors motioned “your Honor, just on the last matter, would Your Honor consider a provision given the pendency of the district court action (U. S. District Court – E. D. of Michigan; clarification added) to a provision in the order that would bar Mr. Stasko from pursuing any claims against the debtors without first seeking leave of the bankruptcy court?” (See Exhibit 6; Bankruptcy Court Transcript of April 26, 2011; Page 46, Lines 22-25 and Page 47, Line 1)
- 23) the Bankruptcy Judge responded “well at this point the claims allowance process is the only place in which he can bring any claim against Old GM and that’s your point I take it?” (See Exhibit 6; Bankruptcy Court Transcript of April 26, 2011; Page 47, Line 2-4)
- 24) since Stanley R. Stasko did not understand the request by General Motors Corporation, the Bankruptcy Court further stated “he’s saying that your one and only one place where you can obtain any recovery on your claim is here in the United States Bankruptcy Court for the Southern District of New York. And that while the district judge dismissed your Michigan action without prejudice to your bring a new one, pending further developments in this court, Mr. Smolinsky’s saying this is the one and only place where you should be bring this claim as a matter of bankruptcy law. And my

question to you is, is he wrong as a matter of bankruptcy law? (See Exhibit 6; Bankruptcy Court Transcript of April 26, 2011; Page 47, Line 12-20)

25) Stanley R. Stasko responded by stating "my response is that the U. S. District Court of the Eastern District of Michigan did not dismiss the case itself. All they did was administratively close the case itself so that after this bankruptcy proceeding is completed, that one or both parties can motion for the case to be reinstated." (See Exhibit 6; Bankruptcy Court Transcript of April 26, 2011; Page 47, Line 21-25; and Page 48, Line 1)

26) more specifically Honorable Judge Julian Abele Cook, Jr. of the U.S. District Court – E. D. of Michigan at the Status Conference on April 12, 2010, stated "... I will, for administrative purposes, dismiss the lawsuit. Let me explain what I'm saying. ... I've used the word administrative which means we're just putting this to the side (emphasis added) to await the conclusion in the bankruptcy proceeding involving what is now former General Motors. ... without the word administratively, by my dismissing the case, it would mean that you could not bring the case back into the court. But administratively, it simply means I want to get it off the accounting. Basically we are asked in this court to account every case that's been heard in this case. ... By doing it administratively, we are putting it to the side so we won't have to count it, we won't have to keep referring to it month and month, year after year." (See Exhibit 2, Page 7, Lines 22, 23, and 25; and Page 8, Lines 1-3, 10-15, and 17-19)

27) nevertheless the U. S. Bankruptcy Court – S. D. of New York Ordered "that in consideration of, among other things, the automatic stay created by section 362 of the Bankruptcy Code and the provisions of the Debtors' Second Amended Joint chapter 11 Plan, dated march 18, 2011 (ECF No. 9836), Stanley R. Stasko may not commence or

continue the prosecution of any claim against the Debtors or the Motors Liquidation Company GUC Trust in any forum, including, without limitation, the United States District Court for the Eastern District of Michigan, without further leave of this Court”  
(See Exhibit 7)

**JUDGE GERBER’S ORDER SIMILAR TO ORDER FROM APRIL 2010**

28) this is the second time Judge Gerber of the U. S. Bankruptcy Court – S. D. of New York Ordered Stanley R. Stasko regarding litigation in the U. S. District Court – E. D. of Michigan

29) the first time occurred when Stanley R. Stasko Motion for Relief from the Automatic Stay and Judge Gerber stated “The motion is denied. And consistent with the debtors’ request under the unusual facts of this case, I am also ordering that Mr. Stasko do two things: one, to tell the district court that I denied relief from the stay, and, two, **that I have directed Mr. Stasko to withdraw his lawsuit entirely (emphasis added)** and to not allow it to merely be stayed.” (Bankruptcy Court Transcript of April 8, 2010; Page 39, Lines 12 - 18; Docket # 5509; See Exhibit 1 for final wording)

30) on April 12, 2010, Stanley R. Stasko specifically asked the Honorable Judge Julian Abele Cook, Jr. of the U.S. District Court – E. D. of Michigan “how a judge in one court can order a withdrawal in a totally different district.” Judge Cook replied by stating “Well, I don’t understand it either, and that’s why I did not make a ruling on that. I had serious doubts in my mind in the absence of any showing of case authority or statutory authority that a judge can order a person to withdraw the allegation. The judge, I believe, has the right to enforce – or not enforce the statute, but I don’t know that there’s any law – and there may be. Maybe it exists, but I’m not aware of any law that permits such a

person, such a judge, to order a litigant to withdraw the allegations.” (See Exhibit 2, Page 11, Lines 9 – 20)

31) also Judge Cook stated “... I will, for administrative purposes, dismiss the lawsuit. Let me explain what I’m saying. ... I’ve used the word administrative which means we’re **just putting this to the side** (emphasis added) to await the conclusion in the bankruptcy proceeding involving what is now former General Motors. ... without the word administratively, by my dismissing the case, it would mean that you could not bring the case back into the court. But administratively, it simply means I want to get it off the accounting. Basically we are asked in this court to account every case that’s been heard in this case. ... By doing it administratively, we are putting it to the side so we won’t have to count it, we won’t have to keep referring to it month and month, year after year.” (See Exhibit 1, Page 7, Lines 22, 23, and 25; and Page 8, Lines 1-3, 10-15, and 17-19)

### **JURISDICTION OF DISTRICT COURT HIGHER THAN BANKRUPTCY**

#### **COURT**

32) in the Bankruptcy Judge’s Order Denying Stanley R. Stasko for Relief from the Automatic Stay the Bankruptcy Judge stated “the Motion being a core proceeding pursuant to 28 U.S.C. Section 157(b); and venue being proper before this Court pursuant to 28 U.S.C. Sections 1408 and 1409” (See Exhibit 1)

33) the phrase **venue being proper** is the Bankruptcy Judge’s opinion that he has jurisdiction whereby he can Order Mr. Stasko to “withdraw the Michigan Case” (See Exhibit 1)

34) the U.S. District Court – E.D. of Louisiana in Eubanks v Esenjay Petroleum Corp. (152 B.R. 459) states that “**if inquiry is whether federal district court’s bankruptcy jurisdiction over a civil proceeding arises under, arises in, or is related to cases**



**under Title 11, it is irrelevant whether particular proceeding is “core” or “noncore”; district courts have original and concurrent jurisdiction over all civil proceedings that arise under, arise in, or are related to case under Title 11. 28 U.S.C.A. § 1334(a, b).”**

35) also Eubanks v Esenjay Petroleum Corp. (152 B.R. 459) also states that **“proceedings that are outside scope of statute which gives federal district court bankruptcy jurisdiction over all civil proceedings arising under Title 11 or arising in or related to cases under Title 11 cannot be referred to bankruptcy court by federal district court. 28 U.S.C.A. § 157.”**

36) further the U.S. District Court – E. D. of Louisiana based its interpretation of Section 157 on the legislative progeny of the **United States Supreme Court’s** decision in Northern Pipeline v. Marathon, 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982)

37) still further civil suit Stasko v General Motors Corporation is based on Title 42 U.S.C. Section 1983 which states “every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.”

38) since Title 42 U.S.C. Section 1983 is not base on U.S. Bankruptcy Code the Bankruptcy Judge does not have the jurisdiction to Order “that in consideration of,

among other things, the automatic stay created by section 362 of the Bankruptcy Code and the provisions of the Debtors' Second Amended Joint chapter 11 Plan, dated march 18, 2011 (ECF No. 9836), Stanley R. Stasko may not commence or continue the prosecution of any claim against the Debtors or the Motors liquidation Compant GUC Trust in any forum, including, without limitation, the United States district Court for the Eastern District of Michigan, without further leave of this Court" (See Exhibit 7)

**CORE and NON-CORE PROCEEDINGS**

39) in the Bankruptcy Judge's Order Denying Stanley R. Stasko for Relief from the Automatic Stay the Bankruptcy Judge stated "the Motion being core proceeding pursuant to 28 U.S.C. Section 157(b); and venue being proper before this Court pursuant to 28 U.S.C. Sections 1408 and 1409" (See Exhibit 1)

40) the phrase the proceeding is a **core proceeding** is the Bankruptcy Judge's opinion that he has the jurisdiction whereby he can Order Mr. Stasko to withdraw civil suit Stasko v General Motors Corporation in U.S. District Court – E. D. of Michigan

41) the U.S. Court of Appeals – Fifth Circuit in the Matter of James P. Wood M.D. (825 F.2d 90, 91; 5<sup>th</sup> Cir. 1987) states "if proceeding involves right created by federal bankruptcy law, or is one which **would only arise in bankruptcy**, (emphasis added) it is core proceeding, but if proceeding does not invoke substantive right created by federal bankruptcy law and is one that could exist outside of bankruptcy, it is noncore proceeding, though it may be related to bankruptcy because of its potential effect on debtor's estate. 28 U.S.C.A. § 157.

42) since civil suit Stasko v General Motors Corporation in U.S. District Court – E. D. of Michigan is based on Title 42 USC Section 1983 and is not a right created by federal bankruptcy law; therefore, the Bankruptcy Judge does not have the jurisdiction to Order

"that in consideration of, among other things, the automatic stay created by section 362 of the Bankruptcy Code and the provisions of the Debtors' Second Amended Joint chapter 11 Plan, dated march 18, 2011 (ECF No. 9836), Stanley R. Stasko may not commence or continue the prosecution of any claim against the Debtors or the Motors liquidation Compant GUC Trust in any forum, including, without limitation, the United States district Court for the Eastern District of Michigan, without further leave of this Court" (See Exhibit 7)

### CONCLUSION


43) in conclusion Stanley R. Stasko Motions the U. S. District Court – S. D. of New York to Reopen Stasko v General Motors Corporation; Case # 2:09-CV-14827-JAC-VMM

44) also requests a Hearing regarding U. S. Bankruptcy Court – S. D. of New York Order dated May 3, 2011

45) also requests U. S. District Court -- E. D. of Michigan to Void the Order dated may 3, 2011 for three reasons detailed above

- a. U. S. District Court – E. D. of Michigan already made a similar ruling in April 2011
- b. Jurisdiction of District Court Higher than Bankruptcy Court
- c. Civil Suit Stasko v General Motors Corporation is a Non-Core Bankruptcy Proceeding

Dated: May 10, 2011

  
\_\_\_\_\_  
Stanley R. Stasko  
27653 Lexington Pkwy Southfield, Michigan 48076  
Telephone # 313-670-6917  
Pro Se Litigant

This legal document was prepared by Stanley R. Stasko (Pro Se Litigant).

Exhibit - 1

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re</b>	<b>:</b>	<b>Chapter 11 Case No.</b>
<b>MOTORS LIQUIDATION COMPANY, <i>et al.</i>,</b>	<b>:</b>	<b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., <i>et al.</i></b>	<b>:</b>	
<b>Debtors.</b>	<b>:</b>	<b>(Jointly Administered)</b>

**ORDER DENYING MOTION OF STANLEY R. STASKO FOR RELIEF FROM  
THE AUTOMATIC STAY**

Upon the motion, dated February 19, 2010 of Stanley R. Stasko [Docket No. 5151] (the "**Motion**"), requesting relief from the automatic stay to proceed with case number 09-14827 (the "**Michigan Case**"), currently pending in the United States District Court for the Eastern District of Michigan (the "**Michigan Court**"), all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the requested relief in accordance with 28 U.S.C. §§ 157 and 1334 and the Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.); and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and Motors Liquidation Company and its affiliated debtors having filed their opposition to the Motion [Docket No. 5390] (the "**Opposition**"); and the Court having held a hearing to consider the requested relief on April 8, 2010 (the "**Hearing**"); and based upon the

Motion, the Opposition, and the record of the Hearing, and all of the proceedings before the Court, it is

ORDERED that for the reasons set forth on the record of the Hearing, the Motion is DENIED; and it is further

ORDERED that Mr. Stasko shall give notice of this ruling to the Michigan Court; and it is further

ORDERED that Mr. Stasko shall withdraw the Michigan Case; and it is further

ORDERED this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: New York, New York  
April 21, 2010

s/ Robert E. Gerber  
THE HONORABLE ROBERT E. GERBER  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit - 2**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**STANLEY R. STASKO,**

Plaintiff,

v.

**HON. JULIAN ABELE COOK, JR.**  
**No. 09-14827**

**GENERAL MOTORS CORPORATION**  
**GENERAL MOTORS-GLOBAL**  
**HEADQUARTERS,**

Defendant.

**STATUS CONFERENCE**

**Monday, April 12, 2010**

**2:24 p.m.**

**APPEARANCES:**

For the Plaintiff:

**STANLEY R. STASKO, Pro Se**

To Obtain Certified Transcript, Contact:  
Leann S. Lizza, CSR-3746, RPR, CRR, RMR  
(313) 965-7510



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STATUS CONFERENCE

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1 April 12, 2010

2 Detroit, Michigan

3 - - -

4 (Call to order of the court, 2:24 p.m.)

5 THE COURT CLERK: The Court calls case number

6 09-14827, *Stasko versus General Motors Corporation*.

7 THE COURT: Good afternoon.

8 MR. STASKO: Good afternoon, Your Honor. My name is

9 Stanley Stasko.

10 THE COURT: I'll ask you two things at issue. Speak

11 up and, also, could you stand.

12 MR. STASKO: Sure.

13 THE COURT: And it is a practice in our court that

14 when addressing the Court, the speaker stands.

15 MR. STASKO: Okay.

16 THE COURT: And -- you may use the lectern if you

17 desire.

18 This is a case -- first of all, are you an attorney?

19 MR. STASKO: No, I'm not.

20 THE COURT: Do you have any trained, legal experience?

21 MR. STASKO: No.

22 THE COURT: You're alone today in the courtroom. Do I

23 assume that you are without counsel?

24 MR. STASKO: That is correct.

25 THE COURT: This is a case in which you filed a

STATUS CONFERENCE

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1 lawsuit against General Motors Corporation; is that correct?

2 MR. STASKO: Correct.

3 THE COURT: My record indicates that you filed this  
4 lawsuit without benefit of counsel on December the 11th of  
5 2009; is that correct?

6 MR. STASKO: Correct.

7 THE COURT: Furthermore, that on the 11th of March of  
8 this year, I issued an order which denied your request for the  
9 entry of a default judgment against the Defendant General  
10 Motors. Is that correct?

11 MR. STASKO: I think I requested a hearing and the  
12 hearing was denied. I followed up by putting in a -- I put in  
13 a request for clerk's entry of default and I put in a default  
14 request and judgment. The hearing that I requested was denied.

15 THE COURT: In the -- that on the 16th of March of  
16 2010, the Defendant's counsel filed a document which was, in  
17 effect, a suggestion of bankruptcy. In this notice the  
18 Defendant's counsel asserted that on June 1st of last year that  
19 General Motors Corporation, as we know it, or knew it, filed a  
20 petition in bankruptcy court, in the United States Bankruptcy  
21 Court in the Southern District of New York. Are you aware of  
22 that, sir?

23 MR. STASKO: Recently, yes.

24 THE COURT: You say recently. What do you mean?

25 MR. STASKO: I don't keep an active track of the

STATUS CONFERENCE

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1 current events on the radio and the television. When I filed  
2 my Complaint, I was informed approximately, say, three or four  
3 weeks after that, in early January, and received a letter from  
4 the Defendant, General Motors, asking me to withdraw my suit  
5 against General Motors because it's in bankruptcy.

6 THE COURT: On April 9 of this year I received a  
7 letter in the form of facsimile transmission from the  
8 Defendant's bankruptcy counsel. In his letter to the Court he  
9 indicated that as much as his client is currently in bankruptcy  
10 that the automatic stay is in effect. Did you see such a  
11 letter?

12 MR. STASKO: No, I did not. There was -- on April --  
13 on Thursday, April the 8th, I was -- I attended the New York  
14 Bankruptcy Court via court call. I called in. And so the  
15 letter from April the 9th I have not seen at all.

16 THE COURT: All right. Accept my representation that  
17 it contains what I just told you.

18 MR. STASKO: Okay.

19 THE COURT: This letter, in many ways, confirmed what  
20 you just said because the Defendant's bankruptcy counsel  
21 indicated that on February 19th of this year that you had filed  
22 a motion for relief from the automatic stay, and then on the  
23 8th of April the bankruptcy court conducted a hearing regarding  
24 your request in which you were permitted to participate by  
25 telephone.

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1 MR. STASKO: Yes. I did participate in the bankruptcy  
2 hearing on the 8th.

3 THE COURT: You just may not be certain about the  
4 dates?

5 MR. STASKO: Oh, I'm certain about the April the 8th.  
6 I am certain about it.

7 THE COURT: All right. On the 8th of April, the  
8 bankruptcy judge made the -- strike that.

9 Section 362 of the bankruptcy code provided that --  
10 the following with regard to the filing of the bankruptcy  
11 petition: That it, quote, operates as a stay applicable to all  
12 entities of the commencement or continuation including the  
13 issuance or employment process of a judicial administrative or  
14 other action or proceeding against the debtor and was or could  
15 have been commenced before the commencement of the case under  
16 this title or to recover a claim against the debtor that arose  
17 before the commencement of the case under this title and any  
18 act to attain possession or property of the estate or property  
19 from the estate or to exercise control over proper of the  
20 estate, end quote.

21 That quote comes from Title 11, United States Code  
22 Section 362 (a) (1) and (a) (1) (3).

23 It is my understanding that the bankruptcy court  
24 directed you to, quote, withdraw your lawsuit entirely and did  
25 not allow it to be merely stayed -- strike that.

STATUS CONFERENCE

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1 Based on my information I am apprised that the  
2 bankruptcy court advised you to, quote, withdraw your lawsuit  
3 entirely and not -- and to not allow it to be merely stayed,  
4 end of quote. Do you recall such language, Mr. Stasko?

5 MR. STASKO: Yes. I was given two instructions by the  
6 judge. First instruction was that my motion for relief from  
7 automatic stay was denied. Second instruction I was given by  
8 the judge, that I was to inform the U.S. District in the  
9 Eastern District of Michigan that I was instructed to withdraw  
10 my case against General Motors.

11 THE COURT: Have you withdrawn your case?

12 MR. STASKO: No, I have not, Your Honor.

13 THE COURT: What is your view with regard to the stay  
14 of the proceedings?

15 MR. STASKO: It is my intention, based on several  
16 reasons, to appeal the bank -- I'm sorry, the bankruptcy  
17 court's decision.

18 THE COURT: All right. I believe that the bankruptcy  
19 court judge did make an appropriate decision when he ordered  
20 the stay, and I will enforce that. I will not enforce his  
21 directive that you withdraw your lawsuit entirely. That will  
22 be -- however, I will, for administrative purposes, dismiss the  
23 lawsuit. Let me explain what I'm saying.

24 MR. STASKO: Okay.

25 THE COURT: I've used the word "administrative" which

STATUS CONFERENCE

1 means we're just putting this to the side to await the  
2 conclusion in the bankruptcy proceeding involving what is now  
3 the former General Motors.

4 MR. STASKO: Okay.

5 THE COURT: At the conclusion of the bankruptcy  
6 proceeding, you, as a petitioner, would have the right to file  
7 a petition with our Court asking that the -- this case be  
8 returned to its docket.

9 MR. STASKO: Okay.

10 THE COURT: And I -- without the word  
11 "administratively," by my dismissing the case, it would mean  
12 that you could not bring the case back into the court. But  
13 "administratively," it simply means I want to get it off the  
14 accounting. Basically we are asked in this court to account  
15 every case that's been heard in this case.

16 MR. STASKO: Okay.

17 THE COURT: By doing it administratively, we are  
18 putting it to the side so we won't have to count it, we won't  
19 have to keep referring to it month and month, year after year.

20 MR. STASKO: Understood. I think if I may try, from a  
21 layperson's standpoint.

22 THE COURT: Go right ahead.

23 MR. STASKO: If I'm successful in my appeal of the  
24 judge's -- bankruptcy judge's, court's decision and I do get  
25 relief of the automatic stay, then the claim against General

STATUS CONFERENCE

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1 Motors in this court can be reinstated?

2 THE COURT: Yes. Now, let me explain to you. I have  
3 very serious doubts about the viability of an appeal because  
4 the Court of Appeals in the Sixth Circuit may say two things.  
5 One, this case is not a final case because Judge Cook has  
6 dismissed this administratively. The second is, I believe, the  
7 statute which allows the bankruptcy court to issue a stay is  
8 rather firm and I believe is not truly contestable. But you  
9 have a right to appeal it if you desire. My guess, it's going  
10 to be an unsuccessful effort, but I believe that you should  
11 take whatever course of action you should take. I do also  
12 recommend, though not direct you, to seek counsel. Is there a  
13 reason why you haven't gotten a counsel?

14 MR. STASKO: On three occasions I've tried. On at  
15 least three occasions I tried to seek counsel. The first time  
16 I tried to seek counsel, Your Honor, approximately in 1990 I  
17 had a loss of memory because of the fall. When I finally  
18 realized that I -- if I may use -- this is my nonlegal term.  
19 General Motors discriminated against me, and my memory was just  
20 beginning to recover. I tried seek counsel. When I talked to  
21 counsel and they found out that I had been -- left General  
22 Motors and ten years had elapsed, they had showed no interest  
23 in the case itself. I also tried to seek counsel relatively  
24 recently prior to the -- probably in like the October 1st time  
25 frame when I described all the details of the case. The



STATUS CONFERENCE

10

1 attorney almost started to laugh a little bit, and then he did  
2 show a little interest, but that didn't work out. And recently  
3 I've been trying to seek counsel and I don't get calls back and  
4 no interest in the case. So I've been trying to get help, and  
5 from my perspective this case should have started back in 2005,  
6 but no one's been willing to give me any help.

7 THE COURT: Thank you for your comments. I can  
8 only -- I cannot give you advice. I cannot -- but other than  
9 to continue to try to get counsel to help you with your case.  
10 But for now let me just at least tell you that your claim  
11 against what is General Motors, which is now known as Motors  
12 Liquidation Company, will be dismissed administratively. And,  
13 once again, that once the bankruptcy stay has -- strike that.  
14 Once the bankruptcy stay has been lifted, you'll be entitled to  
15 reinstate your case.

16 MR. STASKO: Thank you.

17 Your Honor, I made a request for -- from this Federal  
18 District Court to have a lawyer appointed to my case on a pro  
19 bono basis. Did you see that request?

20 THE COURT: I have not seen it. Let's see.

21 I do have it now. Document entitled Application For  
22 Payment Of Counsel, Financial Statement. I will process it,  
23 but I do not offer any real hope for its success, but I will  
24 process the application. And at the conclusion of this  
25 hearing, I will give to my case manager this document and ask

STATUS CONFERENCE

11

1 that she process this as quickly as can be done.

2 MR. STASKO: Thank you very much.

3 THE COURT: Do you have any other questions, sir?

4 MR. STASKO: One thing I'm just not clear of -- this  
5 is probably because I'm not a lawyer -- I don't understand how  
6 a judge in New York bankruptcy court can order a withdraw --  
7 because I'm applying for the appeal. I just don't understand  
8 how -- seems like to me there's like two different  
9 jurisdictions itself. I don't understand how a judge in one  
10 court can order a withdrawal in a totally different district.

11 THE COURT: Well, I don't understand it either, and  
12 that's why I did not make a ruling on that. I had serious  
13 doubts in my mind in the absence of any showing of case  
14 authority or statutory authority that a judge can order a  
15 person to withdraw the allegation. The judge, I believe, has  
16 the right to enforce -- or not enforce the statute, but I don't  
17 know that there's any law -- and there may be. Maybe it  
18 exists, but I'm not aware of any law that permits such a  
19 person, such a judge, to order a litigant to withdraw the  
20 allegations.

21 MR. STASKO: Thank you very much for the  
22 clarification.

23 THE COURT: All right. So do you understand where we  
24 are at this point?

25 MR. STASKO: Yes, I do.

Exhibit - 3

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**FILED**  
APR 19 2010  
CLERK'S OFFICE  
U. S. DISTRICT COURT  
EASTERN MICHIGAN

STANLEY R. STASKO

Plaintiff,

v.

GENERAL MOTORS CORPORATION,

Defendant.

Case No. 09-14827

Honorable Julian Abele Cook, Jr.

ORDER

On April 12, 2010, the Court conducted a hearing regarding, *inter alia*, (1) the effect, if any, of a "stay of litigation" order that had been imposed upon the parties in a lawsuit (including the Defendant, General Motors Corporation, now known as Motors Liquidation Company), by the Bankruptcy Court for the Southern District, of New York, and (2) an application for the appointment of counsel that had been proffered by the *pro se* Plaintiff, Stanley R. Stasko, in the case that is currently pending before this Court.

For the reasons that were set forth on the record at the conclusion of the April 12<sup>th</sup> hearing, the Court will, and must, administratively close this case during the duration of the bankruptcy proceedings involving the Defendant in the Southern District of New York. Upon the termination of these bankruptcy proceedings in New York, either party may file a motion, which would seek to reopen this case, within a period of sixty (60) days from the date of final resolution of the above-listed bankruptcy case.

Turning to the second issue (i.e., the appointment of counsel) and despite the initial willingness of the Court to process the Plaintiff's application, it now notes that upon a reevaluation of this matter (including an examination of an affidavit which sets forth his financial resources),<sup>1</sup> the appointment of a *pro bono* attorney under these circumstances is neither justified nor warranted. The underlying purpose of selecting a *pro bono* attorney is designed to, among other things, assist those persons who are indigent and are in need to legal advice and assistance. The selection of a *pro bono* attorney is, in essence, restricted to those persons who are unable to represent themselves for reasons that are presumptively economic.

The Court concludes that the granting of the Plaintiff's request for the appointment of a *pro bono* attorney would violate the spirit as well as the overall policy of this Court to restrict its selection to those persons whose current economic status would deny them an opportunity to receive equal justice under the law. Thus and under the circumstances that are presently known to the Court, the request of the Plaintiff for the appointment of a *pro bono* counsel does not satisfy this standard and, therefore must be denied.

IT IS SO ORDERED.

Dated: April 19, 2010  
Detroit, Michigan

S/Julian Abele Cook, Jr.  
JULIAN ABELE COOK, JR.  
United States District Court Judge

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<sup>1</sup> Although the Plaintiff is currently unemployed, he states in his application that he has approximately \$115,110 in a bank account.

**Exhibit - 4**

B 10 (Official Form 10) (04/10)

<b>UNITED STATES BANKRUPTCY COURT</b> Southern District of New York		<b>PROOF OF CLAIM</b>
Name of Debtor <b>Motors Liquidation Company (f/k/a General Motors Corporation)</b>		Case Number <b>09-50026 (REG)</b>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property) <b>Stanley R. Stasko</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: _____ (If known)  Filed on: _____
Name and address where notices should be sent: <b>Stanley R. Stasko</b> <b>27653 Lexington Pkwy</b> <b>Southfield, Michigan 48076</b>  Telephone number: <b>(313) 670-6917</b>		
Name and address where payment should be sent (if different from above): <b>Stanley R. Stasko</b> <b>27653 Lexington Pkwy</b> <b>Southfield, Michigan 48076</b> Telephone number: <b>(313) 670-6917</b>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>2,776,288.00</u> <b>Final amount by U.S. District Court - E.D. Michigan</b> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and claim the amount.  Specify the priority of the claim:  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)  <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4)  <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5)  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7)  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)  <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a): _____  Amount entitled to priority: \$ _____
2. Basis for Claim: <u>Civil Law Suit; Case #2:09-CV-14827; E.D. Michigan.</u> (See instruction #2 on reverse side)  3. Last four digits of any number by which creditor identifies debtor: <u>4827</u> Last four digits from Case #2:09-CV-14827 a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)  4. Secured Claim (See instruction #4 on reverse side) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information:  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Describe: _____  Value of Property: \$ _____ Annual Interest Rate: _____ %  Amount of arrearage and other charges as of time case filed included in secured claim: If any: \$ _____ Basis for perfection: _____  Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  <b>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. Copy of Complaint and Exhibits from Civil Suit Case #2:09-CV-14827 U.S. District Court - E.D. Michigan</b> If the documents are not available, please explain: <b>filed with Motion for Relief from Automatic Stay</b>		*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Date: <u>04/25/2010</u> Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  <b>Stanley R. Stasko</b> 27653 Lexington Pkwy Southfield, Michigan 48076; #313-670-6917 <b>Pro Se Litigant</b>		<b>FOR COURT USE ONLY</b>  <b>APR 30 2010</b>

Penalty for presenting fraudulent claim: Fines of up to \$300,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

Exhibit - 5



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re</b>	:	<b>Chapter 11 Case No.</b>
<b>MOTORS LIQUIDATION COMPANY, et al.,</b>	:	<b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., et al.</b>	:	
<b>Debtors.</b>	:	<b>(Jointly Administered)</b>

**ORDER GRANTING DEBTORS' 165TH OMNIBUS  
OBJECTION TO CLAIMS AND ENFORCEMENT OF BAR DATE ORDERS**  
**(Late-Filed Claims)**

Upon the 165th omnibus objection to expunge certain claims and motion seeking enforcement of the Bar Date Orders,<sup>1</sup> dated January 26, 2011 (the "**165th Omnibus Objection to Claims**"), of Motors Liquidation Company (f/k/a General Motors Corporation) and its affiliated debtors, as debtors in possession (collectively, the "**Debtors**"), filed pursuant to section 502(b) of title 11, United States Code (the "**Bankruptcy Code**"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), this Court's order approving procedures for the filing of omnibus objections to proofs of claim against the Initial Debtors (the "**Procedures Order**") (ECF No. 4180), this Court's order deeming the Procedures Order applicable to the REALM/ENCORE Debtors (the "**REALM/ENCORE Order**") (ECF No. 4841), and the Bar Date Orders, seeking entry of an order disallowing and expunging the Late-Filed Claims on the grounds that such claims were not timely filed, all as more fully described

<sup>1</sup> Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the 165th Omnibus Objection to Claims.

in the 165th Omnibus Objection to Claims; and due and proper notice of the 165th Omnibus Objection to Claims having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the 165th Omnibus Objection to Claims is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the 165th Omnibus Objection to Claims establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the 165th Omnibus Objection to Claims is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit "A" (the "Order Exhibit") annexed hereto under the heading "*Claims to be Disallowed and Expunged*" are disallowed and expunged; and it is further

ORDERED that, if applicable, the 165th Omnibus Objection to Claims is adjourned with respect to the claims listed on the Order Exhibit annexed hereto under the heading "Objection Adjourned" to the date indicated on the Order Exhibit, subject to further adjournments (such actual hearing date, the "Adjourned Hearing Date") (the "Adjourned Claims"), and the Debtors' response deadline with respect to the Adjourned Claims shall be 12:00 noon (prevailing Eastern Time) on the date that is three (3) business days before the Adjourned Hearing Date; and it is further

ORDERED that, if applicable, the 165th Omnibus Objection to Claims is withdrawn with respect to the claims listed on the Order Exhibit annexed hereto under the heading "*Objection Withdrawn*"; and it is further

ORDERED that, if applicable, the 165th Omnibus Objection to Claims is withdrawn with respect to the claims listed on the Order Exhibit annexed hereto under the heading "*Claim Withdrawn*" as those claims have been withdrawn by the corresponding claimant; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of, and all rights to object on any basis are expressly reserved with respect to any claim listed on Exhibit "A" annexed to the 165th Omnibus Objection to claims under the heading "*Claims to be Disallowed and Expunged*" that is not listed on the Order Exhibit annexed hereto; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York  
March 7, 2011

s/ Robert E. Gerber  
United States Bankruptcy Judge

**OBJECTION WITHDRAWN**

Name and Address of Claimant	Claim #	Debtor	Claim Amount and Priority (1)	Grounds For Objection	Objection Page Reference
STANLEY R STASKO 27653 LEXINGTON PKWY SOUTHFIELD, MI 48076	70285	Motors Liquidation Company	\$0.00 (S) \$0.00 (A) \$0.00 (P) \$2,775,266.00 (U) \$2,775,266.00 (T)	Late-Filed Claim	Pgs. 1-5

**Additional Claim Information**

Applicable Bar Date: 11/30/2009

Postmark Date: N/A

Official Claim Date: 5/12/2010

**OBJECTION WITHDRAWN**

1	\$0.00 (S)
	\$0.00 (A)
	\$0.00 (P)
	\$2,775,266.00 (U)
	\$2,775,266.00 (T)

(1) In the "Claim Amount and Priority" column, (S) = secured claim, (A) = administrative expense claim, (P) = priority claim, (U) = unsecured claim and (T) = total claim. The amounts listed are taken directly from the proofs of claim, and thus replicate any mathematical errors on the proofs of claim. Where the claim amount is zero, nuliquidated, unidentified, or otherwise cannot be determined, the amount listed is "0.00".

(2) Claims on the exhibit are sorted in alphabetical order based on the creditor name as listed on proof of claim form.

Exhibit - 6

Page 1

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 09-50026

- - - - -x

In the Matter of:

MOTORS LIQUIDATION COMPANY, et al.,  
f/k/a General Motors Corp., et al.  
Debtors.

- - - - -x

U.S. Bankruptcy Court  
One Bowling Green  
New York, New York

April 26, 2011  
9:51 AM

B E F O R E:  
HON. ROBERT E. GERBER  
U.S. BANKRUPTCY JUDGE

MOTORS LIQUIDATION COMPANY, et al.

Page 46

1 noted above, to the extent Mr. Stasko had claims against  
2 General Motors, he discovered those claims in 2005 at the  
3 latest.

4 For all of these reasons I find that even if Mr.  
5 Stasko had valid claims against GM the statute of limitations  
6 for any such claims expired, at the latest, in 2008, two years  
7 before Mr. Stasko filed his complaint against General Motors in  
8 the Eastern District of Michigan.

9 Because I so determine, I need not also address his  
10 failure to file a timely proof of claim and whether he  
11 established excusable neglect in that connection or whether his  
12 1983 suit against GM states a claim on which relief can be  
13 granted.

14 The debtors' motion to disallow and expunge the proof  
15 of claim is granted. The debtors are to settle an order in  
16 accordance with that ruling. The time to appeal this  
17 determination will run from the time of the entry of the  
18 resulting order and not from the time of this dictated  
19 decision.

20 All right. Mr. Smolinsky, what's the next matter on  
21 your agenda?

22 MR. SMOLINSKY: Your Honor, just on the last matter,  
23 would Your Honor consider a provision given the pendency of the  
24 district court action to a provision in the order that would  
25 bar Mr. Stasko from pursuing any claims against the debtors

MOTORS LIQUIDATION COMPANY, et al.

Page 47

1 without first seeking leave of the bankruptcy court?

2 THE COURT: Well at this point the claims allowance  
3 process is the only place in which he can bring any claim  
4 against Old GM and that's your point I take it?

5 MR. SMOLINSKY: Yes, Your Honor. And I think the --  
6 perhaps the thought by Mr. Stasko that the district court has  
7 given him leave, as soon as this proceeding is over, to  
8 continue to litigate against Motors Liquidation Company.

9 THE COURT: Mr. Stasko, why shouldn't I grant Mr.  
10 Smolinsky's request?

11 MR. STASKO: I don't understand his request.

12 THE COURT: He's saying that your one and only one  
13 place where you can obtain any recovery on your claim is here  
14 in the United States Bankruptcy Court for the Southern District  
15 of New York. And that while the district judge dismissed your  
16 Michigan action without prejudice to your bringing a new one,  
17 pending further developments in this court, Mr. Smolinsky's  
18 saying this is the one and only place where you should be  
19 bringing this claim as a matter of bankruptcy law. And my  
20 question to you is, is he wrong as a matter of bankruptcy law?

21 MR. STASKO: My response is that the U.S. District  
22 Court of the Eastern District of Michigan did not dismiss the  
23 case itself. All they did was administratively close the case  
24 itself so that after this bankruptcy proceeding is completed,  
25 that one or both parties can motion for the case to be



MOTORS LIQUIDATION COMPANY, et al.

Page 48

1 reinstated. So the case has not been dismissed it has been  
2 administratively closed so that they don't have to account for  
3 it on an accounting basis.

4 THE COURT: Assuming that to be true, Mr. Stasko, I  
5 think Mr. Smolinsky's point is that if you were to make such a  
6 petition you would be in further contempt of court.

7 MR. STASKO: I don't know how the U.S. District Court  
8 Eastern District of Michigan would rule on that.

9 THE COURT: The U.S. District Court for the Eastern  
10 District of Michigan doesn't rule on that, I rule on that.

11 MR. STASKO: I see. I'm not a judge, I don't know  
12 how -- I don't know how to distinguish between -- I don't know  
13 how the Eastern District of Michigan would interpret your  
14 ruling itself. They did not agree -- my interpretation is that  
15 they did not agree that you had the authority to order me to  
16 withdraw the case itself so I don't know how they would  
17 interpret this so I can't respond, I really can't respond.

18 THE COURT: Well, the Eastern District of Michigan did  
19 not consult me and it did not provide me with a statement of  
20 its ruling or its rationale. But I think that it is hornbook,  
21 basic, fundamental bankruptcy law that bankruptcy judges have  
22 the ability to enforce the automatic stay with respect to cases  
23 on their watch.

24 Mr. Smolinsky, your request is granted.

25 MR. SMOLINSKY: Thank you, Your Honor.

MOTORS LIQUIDATION COMPANY, et al.

Page 49

1 The next matter on the calendar is the debtors' motion  
2 to object to --

3 THE COURT: Pause, please.

4 MR. SMOLINSKY: Yes.

5 THE COURT: Mr. Stasko, you're free to stay on the  
6 line as long as you do it quietly, or to drop off, whichever  
7 you prefer.

8 (No response)

9 THE COURT: I hear no response. You may continue, Mr.  
10 Smolinsky.

11 MR. SMOLINSKY: Thank you, Your Honor.

12 The next motion on the calendar is the debtors' 98th  
13 omnibus objection to claims which seeks to reclassify claims  
14 from secured or priority status to general unsecured status.  
15 Most of this motion has been administered. The remaining claim  
16 is a claim filed by Sherif Kodsy and I would ask if he's here  
17 today.

18 THE COURT: Do you want to come on up to the table  
19 please, sir?

20 MR. KODSY: How you doing, Your Honor.

21 THE COURT: Have a seat and pull the microphone close  
22 to you. I'm going to waive the requirement that you have to  
23 stand when you speak, just speak into the microphone when it's  
24 your turn.

25 MR. KODSY: Thank you, Your Honor.

Exhibit - 7

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re</b>	:	<b>Chapter 11 Case No.</b>
<b>MOTORS LIQUIDATION COMPANY, <i>et al.</i>,</b>	:	<b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., <i>et al.</i></b>	:	
<b>Debtors.</b>	:	<b>(Jointly Administered)</b>

**ORDER GRANTING DEBTORS' OBJECTION TO  
PROOF OF CLAIM NO. 70285 FILED BY STANLEY R. STASKO**

Upon the Objection, dated February 4, 2011 (the "**Objection**"),<sup>1</sup> of Motors Liquidation Company (f/k/a General Motors Corporation) and its affiliated debtors, as debtors in possession (collectively, the "**Debtors**"), pursuant to section 502(b) of title 11, United States Code (the "**Bankruptcy Code**"), Rule 3007(a) of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), and this Court's order establishing the deadline for filing proofs of claim of certain Debtors and procedures relating to the filing of proofs of claim (the "**Bar Date Order**"), ECF No. 4079, seeking entry of an order disallowing and expunging the Stasko PoC on the grounds that such claim fails to state a legally cognizable cause of action, is time-barred by the applicable statute of limitations, and is time-barred under the Bar Date Order, all as more fully described in the Objection; and due and proper notice of the Objection having been provided, and it appearing that no other or further notice need be provided; and the Court having considered the responses to the Objection filed by Stanley R. Stasko (the "**Responses**") (ECF Nos. 9250 and

<sup>1</sup> Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

9289), the Debtors' reply to the Responses (ECF No. 9598), and the arguments made by the parties at the hearing on the Objection on April 26, 2011 (the "**Hearing**"); and the Court having found and determined that the relief sought in the Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon the findings of fact and conclusions of law set forth by this Court at the Hearing; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Objection is granted as provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the Stasko PoC (Proof of Claim No. 70285) is disallowed and expunged in its entirety; and it is further

ORDERED that in consideration of, among other things, the automatic stay created by section 362 of the Bankruptcy Code and the provisions of the Debtors' Second Amended Joint Chapter 11 Plan, dated March 18, 2011 (ECF No. 9836), Stanley R. Stasko may not commence or continue the prosecution of any claim against the Debtors or the Motors Liquidation Company GUC Trust in any forum, including, without limitation, the United States District Court for the Eastern District of Michigan, without further leave of this Court; and it is further

ORDERED that the time to appeal runs from the date this Order is entered; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine  
all matters arising from or related to this Order.

Dated: New York, New York  
May 3, 2011

/s/ Robert E. Gerber  
United States Bankruptcy Judge

**Exhibit - 7**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**STANLEY R. STASKO**

**27653 Lexington Pkwy Southfield, Michigan 48076**

**#313-670-6917**

**Plaintiff – U.S. District Court – E.D. of Mich.; Case # 2:09-CV-14827-JAC**

**Creditor – U.S. Bankruptcy Court – S.D. of N.Y.; Case # 09-50026 (REG)**

**Appellant – U.S. District Court – S.D. of N.Y.; Case # 1:10-CV-04322-JGK**

**Pro Se Litigant**

**V**

**Case No. 2:09-CV-14827-JAC-VMM**

**Honorable Cook, Julian Abele**

**GENERAL MOTORS CORPORATION**

**GENERAL MOTORS – GLOBAL HEADQUARTERS**

**300 RENAISSANCE CENTER**

**P.O. BOX 300**

**DETROIT, MICHIGAN 48265**

**#313-556-5000**

**Defendant – U.S. District Court – E.D. of Mich.; Case # 2:09-CV-14827-JAC**

**Debtor – U.S. Bankruptcy Court – S.D. of N.Y.; Case # 09-50026 (REG)**

**Appellee – U.S. District Court – S.D. of N.Y.; Case # 1:10-CV-04322-JGK**

**FILED  
MAY 10 2011  
CLERK'S OFFICE  
DETROIT**

**PROOF OF SERVICE**

A copy of the Motion to Reopen Stasko v General Motors Corporation and Request for  
Hearing Regarding U. S. Bankruptcy Court – S. D. of New York Order Dated May 3,  
2011 has been served upon the Defendant in the manner indicated below:

Name of Defendant Served: General Motors Corporation – Legal Staff

General Motors – Global Headquarters

300 Renaissance Center

P. O. Box 300

Detroit, Michigan 48265



Courtesy Copy to: U. S. District Court – S. D. of New York  
Attn.: Pro Se Office  
500 Pearl Street, Room 230  
New York, New York 10007

U. S. Bankruptcy Court – S. D. of New York  
Attn.: Clerk's Office  
One Bowling Green  
New York, New York 10004-1408

Motors Liquidation Company  
(f/k/a General Motors Corporation)  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

Date of Service: May 10, 2011

Method of Service and Declaration: I, Stanley R. Stasko, served the above parties by U.S.

Priority mail a copy of the above specified items. I declare the information contained in  
this Proof of Service is true and correct.

Signature of Server: 

Server's Address: 27653 Lexington Pkwy Southfield, Michigan 48076 #313-670-6917